

1 Erik R. Puknys
2 (CAB #190926; erik.puknys@finnegan.com)
3 FINNEGAN, HENDERSON, FARABOW,
4 GARRETT & DUNNER, L.L.P.
5 3300 Hillview Ave
6 Palo Alto, CA 94304
Telephone: (650) 849-6600
Facsimile: (650) 849-6666

5
6 Attorneys for Defendant
SYNGENTA CROP PROTECTION, INC.

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 VALENT U.S.A. CORPORATION AND
12 SUMITOMO CHEMICAL CO., LTD.,

13 Plaintiffs,

14 v.

15 SYNGENTA CROP PROTECTION, INC.,

16 Defendant.

CASE NO. 08-cv-0720 VRW

**RE-NOTICE OF
SYNGENTA'S MOTION TO DISMISS
PLAINTIFFS' COMPLAINT**

Hearing Date: June 5, 2008
Hearing Time: 2:30 p.m.
Courtroom No. 6, 17th Floor

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NOTICE OF MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD: PLEASE TAKE NOTICE
that, on June 5, 2008, at 2:30 PM or as soon thereafter as counsel may be heard, Defendant Syngenta
Crop Protection, Inc. (“Syngenta”) will and hereby does move that the Court, pursuant to Fed. R.
Civ. P. 12(b)(1) and 12(b)(6), dismiss the complaint filed by plaintiffs Valent U.S.A. Corporation
 (“Valent”) and Sumitomo Chemical Co. Ltd. (“Sumitomo”) (collectively “Plaintiffs”) for lack of
subject matter jurisdiction and for failure to state a claim upon which relief may be granted. In the
alternative, Syngenta respectfully requests that this Court dismiss this action under its discretionary
authority to decline adjudication of declaratory judgment (“DJ”) actions.

This motion is based on this Notice of Motion and the Memorandum of Points and Authorities and the Supporting Declaration of Erik R. Puknys filed March 14, 2008.

DATED: March 24, 2008 FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

By _____ / s /

Erik R. Puknys
Attorneys for Defendant
Syngenta Crop Protection, Inc.

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16 VALENT U.S.A. CORPORATION AND
17 SUMITOMO CHEMICAL CO., LTD.,

18 Plaintiff,

v.

19 SYNGENTA CROP PROTECTION, INC.,

20 Defendants.

CASE NO. 08-cv-0720 VRW

**[PROPOSED] ORDER GRANTING
SYNGENTA'S MOTION TO DISMISS
PLAINTIFFS' COMPLAINT**

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24 Dated: _____, 2008

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26 Vaughn R. Walker
27 United States District Court Judge
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